

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFREY BEARD,

Plaintiff,

vs.

**Case No.: 2:14-cv-2551
JUDGE SMITH
Magistrate Judge Deavers**

DR. KENNETH SAUL,

Defendant.

ORDER

On January 15, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *in forma pauperis* be granted and that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief may be granted. (*See Report and Recommendation*, Doc. 5). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff Beard's Objections to the *Report and Recommendation*. (*See* Doc. 6). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff objects to the Magistrate Judge's conclusion that Plaintiff's allegations are insufficient to state a cognizable claim for deliberate indifference under the Eighth Amendment. Plaintiff disagrees with Dr. Saul's best course of treatment for his pain, however, "a difference in opinion between [a prisoner] and the prison health care providers and a dispute over the adequacy of [a prisoner's] treatment. . . does not amount to an Eighth

Amendment claim.” *Apanovitch v. Wilkinson*, 32 F. App’x 704, 707 (6th Cir. 2002). For the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff’s objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 5, is **ADOPTED** and **AFFIRMED**.
Plaintiffs’ Complaint is hereby **DISMISSED** for failure to state a claim.

The Clerk shall remove Documents 5 and 6 from the Court’s pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT